

// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of January, 2003, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Foster gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the November 12, 26 (two meetings), December 10 (two meetings) and December 11, 2002 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote approved the minutes as presented:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - General, Resolution #R-02-217 appropriating \$356,630, fully reimbursable, for the Lead-based Paint Hazard Control Grant Program, laid over from the December 10, 2002 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Finance - Bonds, Resolution #R-02-229 appropriating \$130,000 for the issuance costs associated with the issuance of \$40,865,000 General Obligation and Refunding Bonds of the City, laid over from the December 10, 2002 meeting, was again presented and read, and on motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted the Resolution:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - General, City Council Report #4 was considered. On motion of Vice Mayor Dodson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-03-001, as presented, approving the modification of the contract with J. E. Jamerson to include the construction of Phase 1B of the Ninth Street improvements, and authorizing the City Manager to sign the necessary contract documents:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Public Works - General, City Council Report #5 was considered. On motion of Vice Mayor Dodson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-03-002, as presented, approving the low bid of \$123,892 from Landford Brothers Company, Inc., for the repairs to the Main Street bridge over the Lynchburg Expressway and authorizing the City Manager to sign the appropriate documents:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Noes:

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// In the matter of Public Works – Water/Sewer, City Council Report #6 was considered. On motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted Resolution #R-03-003, as presented, establishing availability fees for The Summit development for sewer and water service:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning – General - Subdivision, City Council Report #7 was considered. On motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted Resolution #R-03-004, as presented, approving the name of a new private street “Jambo Lane” located off Paulette Circle located in the Jefferson Square at Wyndhurst:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Information Technology, City Council Report #8 was considered. On motion of Vice Mayor Dodson, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-005, as presented, appropriating \$27,520 to provide technological connectivity and access to common databases among the various members of the criminal justice work group:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Commonwealth Attorney, City Council Report #9 was considered. On motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-006, as presented, appropriating \$61,899, with \$46,424 reimbursement, for continued funding of the Virginia Exile program:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #10 regarding the petition of Temple of Deliverance for a Conditional Use Permit at 1040-1042 Florida Avenue for the use of an existing structure as a church sanctuary with associated parking in an R-3, Two-Family Residential District. Ms. Tracey Norvelle, representing the petitioner, outlined the request and asked for approval. Bishop A. L. Hogue, Pastor of the Church, asked for approval. There was no one else present who wished to speak to this item. In response to Vice Mayor Dodson's concern, Community Planning Director Rachel Flynn stated that staff would work with the Church to determine the most appropriate way to address safety concerns regarding ingress/egress from the parking lot. On motion of Council Member Barksdale, seconded by Council Member Adams, Council by the following recorded vote adopted Resolution #R-03-007, as presented, granting the Conditional Use Permit:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #11 outlining the petition of John Paul and Alice Jones for a Conditional Use Permit at 711 Old Trents Ferry Road for the use of an existing structure as a guest home in an R-1, Single-Family Residential District. Mr. Steve Morris, Morris Construction, representing the petitioners, outlined the request and asked for approval. Dr. Jones was also present to respond to questions regarding the petition. There was no one else present who wished to speak to this item. On motion of Council Member Adams, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-03-008, as presented, granting the Conditional Use Permit:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Noes:

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// In the matter of Housing Authority, a public hearing was held regarding City Council Report #12 regarding a request from the Lynchburg Redevelopment and Housing Authority (LRHA) for authorization to pursue acquisition of blighted property at 2157 Campbell Avenue under Section 36-19.5 of the Code of Virginia. Ms. Connie Snavely, representing LRHA, outlined the request and asked for approval. Ms. Snavely stated that the property owner's son, Mr. Wayne Elliott, informed her that he has hired the firm of Acres Incorporated to coordinate the renovation work on the house, with work scheduled for completion by July 1. Mr. Wayne Elliott outlined efforts taken thus far regarding improvements to the property, explaining that he was unaware of the severity of the situation until he found the LRHA letter in his father's possessions. Mr. Elliott further explained that plans are to put the house on the market for sale once the renovations have been completed. There was no one else present who wished to speak to this item. Some Council Members commented that Mr. Elliott's efforts to date, including the hiring of an architectural firm, showed a serious intent on his part to complete the renovations to the property. In response to Council questioning, City Attorney Walter Erwin explained that one option would be for City Council to postpone this item indefinitely, thereby allowing LRHA to bring the matter back to Council at anytime if the renovations to the property were not completed in a timely matter. On motion of Council Member Barksdale, seconded by Council Member Seiffert, Council by the following recorded vote agreed to postpone this item indefinitely:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Noes:

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// In the matter of Public Works – Street Vacations, a public hearing was held regarding City Council Report #13 regarding the vacation of a portion of Delta Street located between Wards Road and the Norfolk and Southern Railroad. Mr. Bennie Cunningham outlined the request and asked for approval. There was no one else present who wished to speak to this item. On motion of Council Member Adams, seconded by Council Member Garber, Council by the following recorded vote adopted Ordinance #O-03-009, as presented, vacating a portion of Delta Street located between Wards Road and the Norfolk and Southern Railroad:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Noes:

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// In the matter of Police - General, City Council Report #14 was considered. City Manager Kimball Payne outlined the request. On motion of Vice Mayor Dodson, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-03-010, as presented, appropriating \$78,000, fully reimbursable, to fund four additional police officers in the Lynchburg Police Department to provide security at the Lynchburg Regional Airport, and authorizing a part-time Fleet Manager position, including appropriating \$13,000 to fund this position for the remainder of FY 2003:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson 7

Noes: 0

// In the matter of City Code/Fire General, City Council Report #15 was considered. On motion of Vice Mayor Dodson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #0-03-011, as presented, amending the City Code relating to a ban on the use of fireworks:

Ayes: Adams, Barksdale, Dodson, Foster, Seiffert, Hutcherson 6

Noes: 0

Abstention: Garber 1

// In the matter of City Code, City Council Report #16 regarding amending the City Code relating to assemblies, demonstrations and parades within the City was considered. City Attorney Walter Erwin provided a brief history regarding the request. Mr. Erwin explained that the ordinance before City Council would require a permit from the Police Department before holding an assembly, demonstration or parade on public property and is the same ordinance considered at the October 9 public hearing. Four individuals spoke in opposition stating that requiring a permit for any kind of public assembly is unconstitutional. In response to Council questioning, Major Jack Lewis stated that due to the small size of the City's Police force, advance notice is critical in arranging for appropriate coverage at an event that might put at risk public safety. Council Member Garber stated that he could not support any ordinance that would limit individual rights guaranteed by the constitution. Council Member Adams questioned the need for the ordinance since the things it is intended to prevent are all illegal and covered under other laws. Other Council Members argued that the Police Department has never denied a permit and that the purpose of the ordinance is to provide for public safety, not prohibit individual rights. On motion of Vice Mayor Dodson, seconded by Council Member Barksdale, Council by the following recorded vote adopted Ordinance #0-03-012, as presented, amending the City Code relating to assemblies, demonstrations and parades within the City:

Ayes: Barksdale, Dodson, Foster, Seiffert, Hutcherson 5

Noes: Adams, Garber 2

// In the matter of Sister City, City Council Report #17 regarding appropriating \$500 to pay for the Mayor's airfare to Rueil Malmaison to celebrate the retirement of Mayor Baumel was considered.

Vice Mayor Dodson stated that since the Mayor has been asked to attend the retirement ceremony, the City should support the Mayor in representing the City and made a motion to appropriate \$500 to pay for

the Mayor's airfare to Rueil Malmaison to celebrate the retirement of Mayor Baumel. In response to Council questioning, City Manager Kimball Payne stated that several years ago City Council directed that no further commitments be made to fund Sister City activities without first obtaining City Council approval. Council Member Garber expressed concern regarding the message being sent to the citizenry if municipal funds were to be spent on trips to France rather than being spent on providing needed services. Council Member Foster noted that since City Council recently appointed a volunteer liaison between the City and the Sister City organization, supporting the Mayor's trip to France did not seem unreasonable, and that the bigger issue seemed to be to what extent the City is going to support and endorse the Sister City concept. Mayor Hutcherson stated that he plans to attend the retirement ceremony and did not want to make an issue regarding this item. Vice Mayor Dodson withdrew his motion and presented Mayor Hutcherson with a check for \$300 to help offset the cost of the airfare for the trip to France.

// On motion of Vice Mayor Dodson, seconded by Council Member Seiffert, Council by the following recorded vote elected to hold a closed meeting to consider a personnel matter, to consider acquisition of real property for public purpose because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City, and for consultation with legal counsel and staff members regarding a specific legal matter because consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the City pursuant to Section 2.2-3711(A)(1), (3) and (7), respectively, of the Code of Virginia, as amended:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Noes:

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// The meeting was re-opened to the public.

// Council Member Barksdale made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Seiffert, and Council by the following recorded vote adopted the motion:

Ayes: Adams, Barksdale, Dodson, Foster, Garber, Seiffert, Hutcherson

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Noes:

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January 14, 2003

// City Manager Kimball Payne provided a brief update regarding legislation under consideration by the General Assembly. Mr. Payne also noted that closing on the Wachovia Building is scheduled for the first part of next week.

// The meeting was recessed at 10:10 P.M. to January 28, at 1:00 P.M. to conduct a work session regarding several items.

Clerk of Council